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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,739	06/16/2000	Didier Doyen	RCA 90, 222	1657

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EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/595,739

Applicant(s)

DOYEN ET AL.

Examiner

Andy S. Rao

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/04 has been entered.
2. As per the applicant's instructions filed in the amendment of 9/22/04, claims 15-20 have been canceled.
3. Applicants' arguments with respect to claims 21-29 as filed in the amendment of 9/22/04 have been considered but are moot in view of the new ground(s) of rejection based on newly cited portions of the previously applied reference.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 21-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiga et al., (hereinafter referred to as "Shiga").

Shiga discloses a device for switching from television program (Shiga: figure 1) to another one (Shiga: column 9, lines 5-45) comprising, detecting program data of the television programs other than a selected program (Shiga: column 5, lines 25-45); storing the detected program data in the form of appended data (Shiga: column 7, lines 35-40); selecting and decoding the stored appended data relating to a new program to be selected in response to a user command to view the new program (Shiga: column 8, lines 45-61); temporarily transmitting the decoded appended data to a display for user viewing while awaiting decoding and transmission of current data relating to the newly selected program (Shiga: column 9, lines 5-61), as in claim 21.

Regarding claim 22, Shiga discloses that the detecting is performed from compressed video data streams relating to the television programs (Shiga: column 5, lines 45-55), as in the claim.

Regarding claims 23-24, Shiga discloses that the appended data are copied on the basis of intra and inter information (Shiga: column 21, lines 30-42), as in the claims.

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Regarding claim 25, Shiga discloses that the appended data is complementary data such as the name of the program or start or end time of a program (Shiga: column 6, lines 1-10) and a log of a station broadcasting the program (Shiga: column 7, lines 35-55), as in the claim.

Regarding claim 26, Shiga discloses that the appended information is used for the creation of mosaic (Shiga: figure 4) or an interactive program guide (Shiga: column 8, lines 1-25), as in the claim.

Regarding claim 27, Shiga discloses the use of an MPEG-2 (Shiga: column 15, lines 35-40) stream (Shiga: column 4, lines 8-17), as specified.

Shiga discloses a device for switching from a television program to another one (Shiga: column 9, lines 5-45) and eliminating delay between program selection (Shiga: figure 1) comprising, a detection circuit for detecting program data of the television programs other than a selected program (Shiga: column 5, lines 25-45); a storage device for storing the detected program data in the form of appended data (Shiga: column 7, lines 35-40); a selection circuit for selecting the stored appended data relating to a new program to be selected in response to a received command to display a new program (Shiga: column 8, lines 45-61); a decoding circuit for decoding the selected appended data (Shiga: column 16, lines 1-15); and a switching circuit receiving the decoded output of said decoding circuit and enabling a temporary switch over to the selected appended data for display (Shiga: column 16, lines 29-65), as in claim 28.

Regarding claim 29, Shiga discloses that the appended data comprises data relating to images of available programs not currently being viewed (Shiga: column 10, lines 1-25), as in the claim.

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*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao  
Primary Examiner  
Art Unit 2613

ANDY RAO  
PRIMARY EXAMINER

asr  
November 26, 2004